

**Court of Common Pleas, Columbiana County, Lisbon, Ohio**

***Summons***

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

CINDY GROVE  
27974 BUCK ROAD  
BELOIT, OH 44609

Plaintiff(s)

VS

C. ASHLEY PIKE  
**Judge**

*Summons on Complaint*

CARRIAGE HILL FOODS  
1735 S. LINCOLN AVE.  
SALEM, OH 44460

Defendant(s)

To the below named Defendant(s):

CARRIAGE HILL FOODS  
1735 S. LINCOLN AVE.  
SALEM, OH 44460

You are hereby summoned that a complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

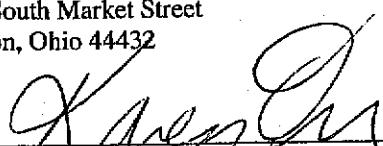
The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

P 47845520  
Deputy Clerk

  
December 10, 2001

**IN THE COURT OF COMMON PLEAS**

**COLUMBIANA COUNTY, OHIO**

CINDY GROVE  
27974 Buck Road  
Beloit, OH

Plaintiff

vs

CARRIAGE HILL FOODS  
1735 S. Lincoln  
Salem, OH 44460

Defendant

**FILED**  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

NOV 29 2001

**ANTHONY J. DATTIJO**

**CLERK**

Case No. DICN847

Judge Pike

**COMPLAINT**

(*Other Torts*)

**WITH**

**INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS**

**ATTACHED**

**AND**

**JURY DEMAND ENDORSED HEREON**

**First Claim**

**("Whistleblower Statute" Claim)**

1. At all times relevant, Plaintiff was an "employee" and Defendant an "employer" within the meaning of R.C. §4113.51.
2. Hired 8/2/00, Plaintiff was Defendant's Human Resources Administrator.
3. In 1/01, during the course of her employment, Plaintiff became aware that Defendant was falsifying records and counterfeiting social security cards for the purpose of employing illegal aliens in its meat processing business; and reasonably believed such conduct to constitute a felonious violation of federal statute.

4. Thereafter, Plaintiff told her supervisor about that conduct and, subsequently, documented the same with sufficient detail to identify and describe that violation.

5. Defendant neither corrected, nor made any reasonable, good faith effort to correct the violation within 24 hours after being so notified by the Plaintiff.

6. Thereafter, Plaintiff reported and documented the same with the U.S. Immigration and Naturalization Service.

7. On 10/29/01, as a result of Plaintiff's stated reporting, Defendant removed her from its employ.

8. In so removing Plaintiff from its employ, Defendant acted willfully, wantonly, maliciously and in reckless disregard of Plaintiff's legally-protected interests.

9. As a direct and proximate result of Defendant's stated retaliatory conduct, Plaintiff has lost earnings and other employment benefit; and suffered shame, embarrassment, humiliation and other distress of mind.

**Second Claim**

***(“Ohio Public Policy Violation” Claim)***

Plaintiff realleges and, by reference, herein incorporates the allegations heretofore contained in her First Claim; and further alleges that those allegations also state a claim for violation of the public policy of the State of Ohio.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount in excess of the sum of \$25,000.00; for punitive damages in the sum of \$10,000,000.00; and for an award of reasonable attorney fees, together with interest as provided by law and the costs of this action.

Plaintiff further demands a trial by jury on the issues joined.

GUARNIERI & SECREST, P.L.L.

  
GEORGE N. KAFANTARIS (#0009748)  
720 N. Park  
Warren, Ohio 44483  
(330) 394-5455

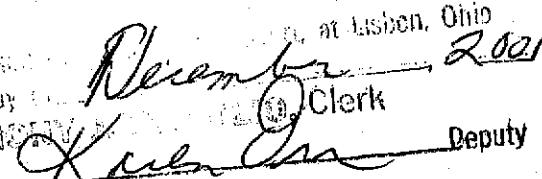
CO-COUNSEL FOR PLAINTIFF

  
MICHAEL D. ROSSI (#0005591)  
151 East Market Street  
P.O. Box 4270  
Warren, Ohio 44482  
(330) 393-1584

CO-COUNSEL FOR PLAINTIFF

State of Ohio  
Columbus County, 38

within and for the County of Columbus, Ohio,  
that the foregoing instrument  
is acknowledged by me to be my free and  
true act and deed, and is given in my name  
and in my office as Clerk of Court.

IN TESTIMONY WHEREOF, I, the undersigned, my  
name and affixed my signature this 10 day of December, 2001, at Lisbon, Ohio.  
ANTHONY J. KAFANTARIS, Clerk  
  
Deputy

**IN THE COURT OF COMMON PLEAS**

**COLUMBIANA COUNTY, OHIO**

CINDY GROVE	)	Case No. _____
Plaintiff	)	Judge _____
vs.	)	
CARRIAGE HILL FOODS	)	<b><u>COMBINED INTERROGATORIES</u></b>
Defendant	)	<b><u>AND REQUEST FOR PRODUCTION</u></b>
	)	<b><u>OF DOCUMENTS DIRECTED</u></b>
	)	<b><u>TO DEFENDANT</u></b>

Pursuant to Ohio Civil Rules 33 and 34, Plaintiff requests the Defendant to answer the following interrogatories and produce the following documents within 28 days from date of service of this Combined Request upon it:

1. Are you party to any contract with the United States government?

ANSWER:

2. If so, by contract price, term and nature of goods/services, identify each such contract.

ANSWER:

3. Produce the personnel file of former employee, Cindy Grove.

RESPONSE:

4. Produce the personnel file of current or former employee, Miguel Nino, or name of similar import.

RESPONSE:

GUARNERI & SECREST, P.L.L.

MICHAEL D. ROSSI (#0005591)  
151 E. Market Street  
P.O. Box 4270  
Warren, OH 44482  
(330)393-1584  
CO-COUNSEL FOR PLAINTIFF

**Court of Common Pleas, Columbiana County, Lisbon, Ohio**

**Summons**

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**C. ASHLEY PIKE  
Judge**

CINDY GROVE  
27974 BUCK ROAD  
BELOIT, OH 44609

Plaintiff(s)

VS.

*Summons on Amended Complaint*

CARRIAGE HILL FOODS  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

CARRIAGE HILL FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

Deputy Clerk

December 20, 2001

P \_\_\_\_\_

**IN THE COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO**

CINDY GROVE

Plaintiff

vs.

FRESH MARK, INC., dba  
SUGARDALE FOODS and  
CARRIAGE HILL FOODS  
1600 Harmont Avenue, N.E.  
P.O. Box 8440  
Canton, OH 44711-8440

Defendant

Case No: 2001-CV-867

**FILED**  
Judge \_\_\_\_\_  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

} DEC 20 2001      AMENDED  
                        C O M P L A I N T  
ANTHONY J. DATTILIO      WITH  
                        CLERK  
                        INTERROGATORIES AND REQUEST  
                        FOR PRODUCTION OF DOCUMENTS  
                        ATTACHED  
                        AND  
                        JURY DEMAND ENDORSED HEREON

**First Claim**

**(“Whistleblower Statute” Claim)**

1. At all times relevant, Plaintiff was an “employee” and Defendant an “employer” within the meaning of R.C. §4113.51.
2. Hired 8/2/00, Plaintiff was Defendant’s Human Resources Administrator.
3. In 1/01, during the course of her employment, Plaintiff became aware that Defendant was falsifying records and counterfeiting social security cards for the purpose of employing illegal aliens in its meat processing business; and reasonably believed such conduct to constitute a felonious violation of federal statute.

4. Thereafter, Plaintiff told her supervisor about that conduct and, subsequently, documented the same with sufficient detail to identify and describe that violation.

5. Defendant neither corrected, nor made any reasonable, good faith effort to correct the violation within 24 hours after being so notified by the Plaintiff.

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8. In so removing Plaintiff from its employ, Defendant acted willfully, wantonly, maliciously and in reckless disregard of Plaintiff's legally-protected interests.

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**Second Claim**

***(“Ohio Public Policy Violation” Claim)***

Plaintiff realleges and, by reference, herein incorporates the allegations heretofore contained in her First Claim; and further alleges that those allegations also state a claim for violation of the public policy of the State of Ohio.

WHEREFORE, Plaintiff demands judgment against Defendant for compensatory damages in an amount in excess of the sum of \$25,000.00; for punitive damages in the sum of \$10,000,000.00; and for an award of reasonable attorney fees, together with interest as provided by law and the costs of this action.

Plaintiff further demands a trial by jury on the issues joined.

GUARNIERI & SECREST, P.L.L.

G.N. Kafantaris

G.N.P.

G.N.

GEORGE N. KAFANTARIS (#0009748)  
720 N. Park  
Warren, Ohio 44483  
(330) 394-5455  
CO-COUNSEL FOR PLAINTIFF

MICHAEL D. ROSSI (#0005591)  
151 East Market Street  
P.O. Box 4270  
Warren, Ohio 44482  
(330) 393-1584  
CO-COUNSEL FOR PLAINTIFF

State of Ohio  
Columbiana County SS } I, ANTHONY J. DATTILIO, Clerk of Court of Common Pleas  
within and for the County of Columbiana and the State of Ohio, do hereby certify  
that the foregoing is truly taken and copied from the original, now on file in said  
Clerk's office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my  
name and affixed the seal of said Court at Lisbon, Ohio  
this 20 day of December 2001  
ANTHONY J. DATTILIO, Clerk  
Deputy

Anthony J. Dattilio

Deputy

***IN THE COURT OF COMMON PLEAS***

***COLUMBIANA COUNTY, OHIO***

CINDY GROVE	)	Case No. 2001-CV-867
Plaintiff	)	Judge _____
vs.	)	
FRESH MARK, INC., dba SUGARDALE FOODS and CARRIAGE HILL FOODS	)	<b><u>COMBINED INTERROGATORIES</u></b> <b><u>AND REQUEST FOR PRODUCTION</u></b> <b><u>OF DOCUMENTS DIRECTED</u></b> <b><u>TO DEFENDANT</u></b>
Defendant	)	

Pursuant to Ohio Civil Rules 33 and 34, Plaintiff requests the Defendant to answer the following interrogatories and produce the following documents within 28 days from date of service of this Combined Request upon it:

1. Are you party to any contract with the United States government?

ANSWER:

2. If so, by contract price, term and nature of goods/services, identify each such contract.

ANSWER:

3. Produce the personnel file of former employee, Cindy Grove.

RESPONSE:

4. Produce the personnel file of current or former employee, Miguel Nino, or name of similar import.

RESPONSE:

GUARNIERI & SECREST, P.L.L.

MICHAEL D. ROSSI (#0005591)  
151 E. Market Street  
P.O. Box 4270  
Warren, OH 44482  
(330)393-1584  
CO-COUNSEL FOR PLAINTIFF

**FILED**  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

JAN 08 2002

**ANTHONY J. DATTILIO**  
CLERK

**COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO**

Cindy Grove, ) CASE NO. 01CV867

Plaintiff, ) JUDGE PIKE

v. )

Fresh Mark, Inc., ) ANSWER OF DEFENDANT TO  
Defendant. ) AMENDED COMPLAINT

**ANSWER**

1. Defendant Fresh Mark, Inc. admits the allegations set forth in Paragraph 1 of Plaintiff's Amended Complaint.

2. Defendant denies the allegations set forth in Paragraph 2 of Plaintiff's Amended Complaint. Defendant admits, however, that Defendant hired Plaintiff on or about August 2, 2000 as a Human Resources Benefits Clerk.

3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of Plaintiff's Amended Complaint. Defendant denies, however, that it falsified any records or counterfeited any social security cards and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

4. Defendant denies the allegations set forth in Paragraph 4 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

5. Defendant denies the allegations set forth in Paragraph 5 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of Plaintiff's Amended Complaint.

7. Defendant denies the allegations set forth in Paragraph 7 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

8. Defendant denies the allegations set forth in Paragraph 8 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

9. Defendant denies the allegations set forth in Paragraph 9 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefor, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitute frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

10. Defendant denies any and all allegations set forth in the Second Claim alleged in the unnumbered Paragraph of Plaintiff's Amended Complaint.

11. Defendant denies any and all allegations not expressly admitted herein, including Plaintiff's prayer for relief as stated in Plaintiff's Amended Complaint.

#### **AFFIRMATIVE DEFENSES**

12. Plaintiff's Amended Complaint fails to state a claim against Defendant upon which relief can be granted.

13. Plaintiff is barred from relief herein, in whole or in part, by her failure to mitigate her damages.

14. Plaintiff is barred from relief herein because she was discharged from her employment with Defendant for legitimate, non-discriminatory, and non-retaliatory reasons.

15. Plaintiff is barred from relief herein because she was at all times an at-will employee and had no contractual relationship with Defendant.

16. Plaintiff is barred from relief herein, in whole or in part, because she failed to comply with the procedures and requirements of section 4113.52 of the Ohio Revised Code.

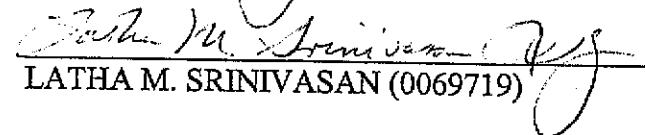
17. Plaintiff is barred from relief herein, in whole or in part, by the provisions of sections 4113.52(B) and (D) of the Ohio Revised Code because Defendant did not take any disciplinary or retaliatory action against Plaintiff for making any report authorized by Ohio Revised Code §4113.52.

18. Plaintiff is barred from relief herein, in whole or in part, by the provisions of section 4113.52 of the Ohio Revised Code because she failed to make a reasonable and good faith effort to determine the accuracy of any information reported thereunder.

WHEREFORE, Defendant demands that the Court render judgment in favor of Defendant and against Plaintiff dismissing Plaintiff's Amended Complaint with prejudice at Plaintiff's costs; and awarding Defendant its costs herein, plus reasonable attorneys' fees; and, such other relief as this Court deems just and equitable.

Respectfully submitted,

  
RICHARD P. GODDARD (0010904)

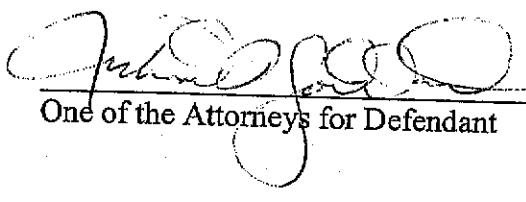
  
LATHA M. SRINIVASAN (0069719)

CALFEE, HALTER & GRISWOLD LLP  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
216-622-8200  
Fax: 216-241-0816

ATTORNEYS FOR DEFENDANT  
FRESH MARK, INC.

CERTIFICATE OF SERVICE

The foregoing *Answer of Defendant* was served via Regular U.S. Mail upon Michael D. Rossi, Attorney for Plaintiff, Guarnieri & Secrest, P.L.L., 151 East Market Street, P.O. Box 4270, Warren, Ohio 44482, and upon George N. Kafantaris, Attorney for Plaintiff, 720 N. Park, Warren, Ohio 44483, on this 7<sup>th</sup> day of January, 2002.

  
\_\_\_\_\_  
One of the Attorneys for Defendant

**FILED**  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

JAN 25 2002

**ANTHONY J. BATTILIC**  
CLERK

**COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO**

Cindy Grove, ) CASE NO. 01CV867  
Plaintiff, )  
v. ) JUDGE PIKE  
Carriage Hill Foods, ) AMENDED ANSWER OF DEFENDANT  
Defendant. ) TO AMENDED COMPLAINT AND  
 ) COUNTERCLAIM  
 )

**ANSWER**

1. Defendant Fresh Mark, Inc. admits the allegations set forth in Paragraph 1 of Plaintiff's Amended Complaint.
2. Defendant denies the allegations set forth in Paragraph 2 of Plaintiff's Amended Complaint. Defendant admits, however, that Defendant hired Plaintiff on or about August 2, 2000 as a Human Resources Benefits Clerk.
3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of Plaintiff's Amended Complaint. Defendant denies, however, that it falsified any records or counterfeited any social security cards and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

4. Defendant denies the allegations set forth in Paragraph 4 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

5. Defendant denies the allegations set forth in Paragraph 5 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

6. Defendant lacks knowledge or sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of Plaintiff's Amended Complaint.

7. Defendant denies the allegations set forth in Paragraph 7 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

8. Defendant denies the allegations set forth in Paragraph 8 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

9. Defendant denies the allegations set forth in Paragraph 9 of Plaintiff's Amended Complaint and avers that Plaintiff and her counsel have made these allegations without any legal or factual basis therefore, in violation of Rule 11 of the Ohio Rules of Civil Procedure, and that the actions of Plaintiff and her counsel in making these false allegations constitutes frivolous conduct within the meaning of section 2323.51 of the Ohio Revised Code.

10. Defendant denies any and all allegations set forth in the Second Claim alleged in the unnumbered Paragraph of Plaintiff's Amended Complaint.

11. Defendant denies any and all allegations not expressly admitted herein, including Plaintiff's prayer for relief as stated in Plaintiff's Amended Complaint.

#### **AFFIRMATIVE DEFENSES**

12. Plaintiff's Amended Complaint fails to state a claim against Defendant upon which relief can be granted.

13. Plaintiff is barred from relief herein, in whole or in part, by her failure to mitigate her damages.

14. Plaintiff is barred from relief herein because she was discharged from her employment with Defendant for legitimate, non-discriminatory, and non-retaliatory reasons.

15. Plaintiff is barred from relief herein because she was at all times an at-will employee and had no contractual relationship with Defendant.

16. Plaintiff is barred from relief herein, in whole or in part, because she failed to comply with the procedures and requirements of section 4113.52 of the Ohio Revised Code.

17. Plaintiff is barred from relief herein, in whole or in part, by the provisions of sections 4113.52(B) and (D) of the Ohio Revised Code because Defendant did not take any disciplinary or retaliatory action against Plaintiff for making any report authorized by Ohio Revised Code §4113.52.

18. Plaintiff is barred from relief herein, in whole or in part, by the provisions of section 4113.52 of the Ohio Revised Code because she failed to make a reasonable and good faith effort to determine the accuracy of any information reported thereunder.

**COUNTERCLAIM**

1. From approximately August 2, 2000 through October 29, 2001, Plaintiff Cindy Grove was employed by Defendant as a Human Resources Benefits Clerk.

2. On or about October 29, 2001, Plaintiff's employment with Defendant was terminated for lawful reasons.

3. Subsequent to October 29, 2001, Plaintiff published false and defamatory statements of and concerning Defendant to a prospective employer by which Plaintiff falsely stated that her employment with Defendant, doing business as Carriage Hill Foods, terminated because she "would not continue to hire illegal immigrants for production."

4. Plaintiff published the statements maliciously, intentionally, and with knowledge of their falsity or with reckless disregard for the truth.

5. The false statements published by Plaintiff, of and concerning Defendant, are defamatory per se.

6. As a result of Plaintiff's actions, Defendant has sustained damage to its reputation in an amount in excess of \$25,000.00.

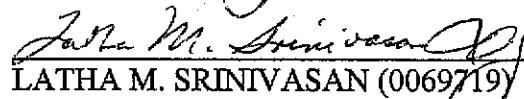
7. Because Plaintiff maliciously and intentionally published false and defamatory statements of and concerning Defendant and acted with knowledge that the statements were false or with reckless disregard for their truth, Defendant is entitled to punitive damages.

WHEREFORE, Defendant demands that the Court render judgment in favor of Defendant and against Plaintiff dismissing Plaintiff's Amended Complaint with prejudice at Plaintiff's costs; and that the Court render judgment in favor of Defendant and against Plaintiff on Defendant's Counterclaim, awarding Defendant compensatory damages in an amount in excess of \$25,000.00 and punitive damages in the amount of \$500,000.00 together with its costs herein, plus reasonable attorneys' fees; and, such other relief as this Court deems just and equitable.

Respectfully submitted,



RICHARD P. GODDARD (0010904)



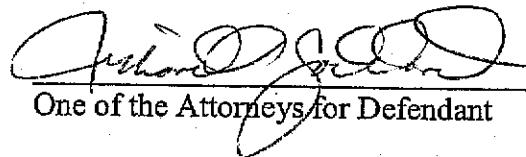
LATHA M. SRINIVASAN (0069719)

CALFEE, HALTER & GRISWOLD LLP  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
216-622-8200  
Fax: 216-241-0816

ATTORNEYS FOR DEFENDANT  
FRESH MARK, INC.

**CERTIFICATE OF SERVICE**

The foregoing *Answer of Defendant* was served via Regular U.S. Mail upon Michael D. Rossi, Attorney for Plaintiff, Guarnieri & Secrest, P.L.L., 151 East Market Street, P.O. Box 4270, Warren, Ohio 44482, and upon George N. Kafantaris, Attorney for Plaintiff, 720 N. Park, Warren, Ohio 44483, on this 24<sup>th</sup> day of January, 2002.



One of the Attorneys for Defendant

**IN THE COURT OF COMMON PLEAS**

**COLUMBIANA COUNTY, OHIO**

CINDY GROVE ) Case No. 2001-CV-867  
Plaintiff ) Judge Pike  
vs. )  
FRESH MARK, INC., dba ) **REPLY TO COUNTERCLAIM**  
SUGARDALE FOODS and )  
CARRIAGE HILL FOODS )  
Defendant )

Comes now the Plaintiff and, by way of a reply to Defendant's Counterclaim, states

that:

1. She admits the allegations contained in Paragraph 1.
2. She denies the allegations contained in Paragraphs 2 through 7.

**First Affirmative Defense**

The Counterclaim fails to state a claim upon which relief can be granted by the Court.

**Second Affirmative Defense**

Truth.

**Third Affirmative Defense**

Privilege.

GUARNIERI AND SECREST, P.L.L.  
ATTORNEYS AT LAW  
151 E. MARKET STREET  
P.O. BOX 4270  
WARREN, OHIO 44482

DOCKET

FEB 06 2004

WHEREFORE, having fully replied, Plaintiff prays that the Counterclaim be dismissed at Defendant's costs.

GUARNIERI & SECREST, P.L.L.

---

MICHAEL D. ROSSI (#0005591)  
151 E. Market Street  
P.O. Box 4270  
Warren, OH 44482  
(330)393-1584  
CO-COUNSEL FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I certify that the within Reply to Counterclaim was mailed, via ordinary U.S. Mail, this 28<sup>th</sup> day of January, 2002 to Latha M. Srinivasan, Attorney for Defendant, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114-2688.

---

MICHAEL D. ROSSI  
CO-COUNSEL FOR PLAINTIFF

**IN THE COURT OF COMMON PLEAS**

**COLUMBIANA COUNTY, OHIO**

CINDY GROVE

Plaintiff

vs.

FRESH MARK, INC., dba  
SUGARDALE FOODS and  
CARRIAGE HILL FOODS

Defendant

) Case No: 2001-CV-867

) Judge Pike

)  
)  
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)  
)  
**PLAINTIFF'S MOTION FOR LEAVE**  
**TO AMEND AMENDED COMPLAINT,**  
**THEREETO ADDING A PARTY PLAINTIFF,**  
**PARTIES DEFENDANT AND A THIRD**  
**CLAIM, AND TO FILE HER SECOND**  
**AMENDED COMPLAINT, INSTANTER**

Pursuant to Ohio Civil Rules 15(A) and 21, Plaintiff now moves the Court for leave to amend her amended complaint, thereto adding a party plaintiff, several parties defendant and a Third Claim, and to file her accompanying Second Amended Complaint, instanter.

As grounds, Plaintiff states that her motion is made in good faith, without undue delay or prejudice to the Defendant; and as a result of the discovery-emergence of an additional, alternative theory of liability, to wit: civil RICO claim under federal law, that of necessity includes an additional party plaintiff and several additional parties defendant.

Justice requires that the requested leave be freely allowed so that all appropriate parties may be identified, and their respective claims and defenses joined and determined in a single action.

GUARNIERI & SECREST, P.L.L.

---

GEORGE N. KAFANTARIS (#0009748)  
720 N. Park  
Warren, Ohio 44483  
(330) 394-5455  
CO-COUNSEL FOR PLAINTIFF

---

MICHAEL D. ROSSI (#0005591)  
151 East Market Street  
P.O. Box 4270  
Warren, Ohio 44482  
(330) 393-1584  
CO-COUNSEL FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion, together with copy of Second Amended Complaint attached, was mailed, via ordinary U.S. Mail, this 20<sup>th</sup> day of March, 2002 to Latha M. Srinivasan, Attorney for Defendant, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114-2688.

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MICHAEL D. ROSSI  
CO-COUNSEL FOR PLAINTIFF

*IN THE COURT OF COMMON PLEAS*

*COLUMBIANA COUNTY, OHIO*

CINDY GROVE

and

MARK BISSETT  
2320 S. Freedom Avenue  
Alliance, OH

Plaintiffs

vs.

FRESH MARK, INC., dba SUGARDALE  
FOODS and CARRIAGE HILL FOODS

and

RICK FOSTER  
c/o Carriage Hill Foods  
1735 S. Lincoln Avenue  
Salem, OH 44460

and

MARK SULLIVAN  
1600 Harmont Avenue, NE  
P.O. Box 8440  
Canton, OH 44711-8440

and

KAREN DUNN  
1600 Harmont Avenue, NE  
P.O. Box 8440  
Canton, OH 44711-8440

and

GUARNIERI AND SECREST, P.L.L.  
ATTORNEYS AT LAW  
151 E. MARKET STREET  
P.O. BOX 4270  
WARREN, OHIO 44482

) Case No. 2001-CV-867

) Judge Pike

) SECOND  
AMENDED COMPLAINT

) WITH

) JURY DEMAND ENDORSED HEREON

BRIAN WESS  
c/o Carriage Hill Foods  
1735 S. Lincoln Avenue  
Salem, OH 44460

and

VILMA SCHUSTER  
c/o Carriage Hill Foods  
1735 S. Lincoln Avenue  
Salem, OH 44460

and

DON PANCHO  
1157 W. High Avenue  
New Philadelphia, OH 44663

and

CERTAIN UNNAMED "JOHN DOE"  
DEFENDANTS  
Addresses Presently Undetermined

Defendants

**First Claim**

***(“Whistleblower Statute” Claim)***

1. At all times relevant, Plaintiff, Cindy Grove (“Grove”), was an “employee” and Defendant, Fresh Mark, Inc., dba Sugardale Foods and Carriage Hill Foods (“Fresh Mark”), an “employer” within the meaning of R.C. §4113.51.
2. Hired 8/2/00, Grove was Fresh Mark’s Human Resources Administrator.
3. In 1/01, during the course of her employment, Grove became aware that Fresh Mark was falsifying records and counterfeiting social security cards for the purpose of employing illegal aliens in its meat processing business; and reasonably believed such conduct to constitute a felonious violation of federal statute.

4. Thereafter, Grove told her supervisor about that conduct and, subsequently, documented the same with sufficient detail to identify and describe that violation.

5. Fresh Mark neither corrected, nor made any reasonable, good faith effort to correct the violation within 24 hours after being so notified by Grove.

6. Thereafter, Grove reported and documented the same with the U.S. Immigration and Naturalization Service.

7. On 10/29/01, as a result of Grove's stated reporting, Fresh Mark removed her from its employ.

8. In so removing Grove from its employ, Fresh Mark acted willfully, wantonly, maliciously and in reckless disregard of Grove's legally-protected interests.

9. As a direct and proximate result of Fresh Mark's stated retaliatory conduct, Grove has lost earnings and other employment benefit; and suffered shame, embarrassment, humiliation and other distress of mind.

**Second Claim**

**(“Ohio Public Policy Violation” Claim)**

Grove realleges and, by reference, herein incorporates the allegations heretofore contained in her First Claim; and further alleges that those allegations also state a claim for violation of the public policy of the State of Ohio.

**Third Claim**

**(Federal Civil RICO Claim)**

***Jurisdiction***

This claim arises under the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §§1961, et seq.).

Parties

1. Grove and Plaintiff, Mark Bissett ("Bissett"), are former employees of Fresh Mark and, as more particularly described below, have been injured in their business or property by reason of Defendants' violation of 18 U.S.C. §1962.
2. At all times relevant, Fresh Mark was and remains a corporation engaged in the meat processing business, engaged in, or the activities of which affect(ed) interstate or foreign commerce.
3. At all times relevant, Defendant, Rick Foster ("Foster"), was and remains Fresh Mark's "Carriage Hill Foods" Plant Manager at its plant in Salem, Ohio.
4. At all times relevant, Defendant, Mark Sullivan ("Sullivan"), was and remains Fresh Mark's Corporate Director of Human Resources at its headquarters in Massillon, Ohio.
5. At all times relevant, Defendant, Karen Dunn ("Dunn"), was and remains Fresh Mark's Corporate Benefits Director at its headquarters in Massillon, Ohio.
6. At all times relevant, Defendant, Brian Wess ("Wess"), was and remains Fresh Mark's "Carriage Hill Foods" Human Resources Director at its plant in Salem, Ohio.
7. At all times relevant, Defendant, Vilma Schuster ("Schuster"), was Fresh Mark's Hourly Employee Recruiter for its various plants in and around Northeastern Ohio.
8. At all times relevant, Defendant, Don Pancho ("Pancho"), was and remains associated with Fresh Mark, participating directly or indirectly in the conduct of its affairs.
9. At all times relevant, certain "John Doe" Defendants ("John Does"), were and remain employed by or associated with Fresh Mark, participating directly or indirectly in the conduct of its affairs.

10. At all times relevant, Foster, Sullivan, Dunn, Wess, Schuster, Pancho and John Does were acting in concert with Fresh Mark and each other in the conduct of Fresh Mark's affairs.

11. At all times relevant, Defendants' acts were committed by them personally either while present in, or by use of the mails, telephones and other instrumentalities in interstate commerce, to and from Ohio and elsewhere.

**Facts**

1. At all times relevant, certain Hispanic illegal aliens gained passage to the United States and purchased false identification documents, to wit: social security card and state driver's license, for the purpose of obtaining gainful employment in the United States.

2. As a class, those aliens ("unauthorized workers") are particularly useful employees in certain segments of the meat processing industry.

3. Beginning no later than 12/00 and continuing to date, in violation of 18 U.S.C. §1962(c) and (d), the Defendants conspired to and, in fact, engaged in a pattern and practice of knowingly hiring and continuing to employ those unauthorized workers at its "Carriage Hill Foods" plant in Salem, Ohio and elsewhere in and around Northeast Ohio.

4. In furtherance of that conspiracy, pattern and practice, Defendants facilitated such hiring and employment by providing food, clothing, shelter, transportation and translation services to the unauthorized workers; and by fraudulently processing and mailing their I-9 Employment Eligibility Verification Forms with identification documentation copies they knew to be false and, of necessity, required the full cooperation, acquiescence and silence of Fresh Mark's human resources staff, through "winking," suggestion, reward, threat of punitive action or otherwise.

5. At all times relevant at its "Carriage Hill Foods" plant in Salem, Ohio, Fresh Mark employed the Plaintiffs in "human resources" capacities that facilitated and furthered Defendants' stated conspiracy, pattern and practice, to wit: Grove was Fresh Mark's Human Resources Administrator whose duties included the completion of its employees' I-9 Forms; and Bissett was Fresh Mark's Safety Manager whose duties included the supervision and participation in the "provision" to which reference is above-made in Par. 4, and the completion of employee I-9 Forms.

6. In 2001, Plaintiffs became increasingly aware of Defendants' unlawful conspiracy, pattern and practice and, over the course of a number of months, respectively stopped cooperating with, acquiescing in and remaining silent about the conspiracy, its objectives and means, despite Defendants' respective winks, suggestions, rewards, threats of punitive action and otherwise.

7. As the employment of Bissett and Grove now threatened the continued viability of Defendants' conspiracy, its objectives and means, they were respectively discharged from employment in 4/01 and in 10/01.

**Statement of Claim**

1. At all times relevant, Fresh Mark or the Defendants as a group constituted an "enterprise" within the meaning of 18 U.S.C. §1961(4), engaged in, or the activities of which affected interstate commerce or foreign commerce.

2. At all times relevant, Defendants' state acts, to which reference is above-made in Par. 4 of "Facts," indictable under 18 U.S.C. §1028 (relating to fraud and related activity in connection with identification documents) and §1341 (relating to mail fraud); and under the Immigration and Nationality Act, §274 (relating to bringing in and harboring

certain aliens) and §277 (relating to aiding or assisting certain aliens to enter the United States), constituted a "pattern of racketeering activity," within the meaning of 18 U.S.C. §1962(c), through which they conducted and participated, directly or indirectly, in the conduct of Fresh Mark's affairs.

3. At all times relevant and within the meaning of U.S.C. §1962(d), Defendants conspired to violate 18 U.S.C. §1962(c).

4. As a direct and proximate result of that conspiracy and its requirements, Plaintiffs suffered the loss of their employment, its compensation and benefit, and, as "whistleblowers," sustained an impairment of their respective earning capacities and loss of prospective gainful employment.

WHEREFORE, on her First Claim and Second Claim, Plaintiff, Cindy Grove, demands judgment against Defendant, Fresh Mark, Inc., dba Sugardale Foods and Carriage Hill Foods, for compensatory damages in an amount in excess of the sum of \$25,000.00; and for punitive damages in the sum of \$10,000,000.00.

On their Third Claim, Plaintiffs demand judgment against Defendants, jointly and severally, for compensatory damages in an amount in excess of the sum of \$25,000.00, trebled; and for punitive damages in the sum of \$10,000,000.00.

Plaintiffs further demand judgment against Defendants, jointly and severally, awarding them reasonable attorney fees, interest as provided by law and recovery of the costs of this action.

Finally, Plaintiffs demand a trial by jury on the issues joined.

GUARNIERI & SECREST, P.L.L.

---

GEORGE N. KAFANTARIS (#0009748)  
720 N. Park  
Warren, Ohio 44483  
(330) 394-5455  
CO-COUNSEL FOR PLAINTIFF

---

MICHAEL D. ROSSI (#0005591)  
151 East Market Street  
P.O. Box 4270  
Warren, Ohio 44482  
(330) 393-1584  
CO-COUNSEL FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS

COLUMBIANA COUNTY, OHIO

CINDY GROVE

Plaintiff

vs.

FRESH MARK, INC., dba  
SUGARDALE FOODS and  
CARRIAGE HILL FOODS

Defendant

) Case No: 2001-CV-867

Judge Pike

FILED  
COLUMBIANA COUNTY  
COURT OF COMMON PLEAS

MAR 22 2002

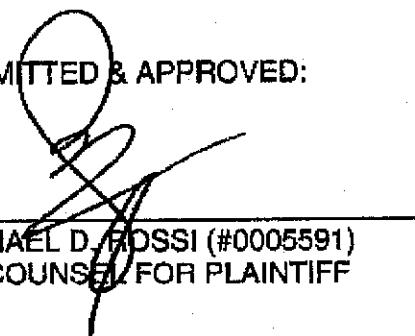
JUDGMENT ENTRY

ANTHONY J. DATTIUS  
CLERK

Upon Motion and for good cause shown, as more particularly set forth therein, it is  
ORDERED, ADJUDGED and DECREED that Plaintiff be and is hereby ALLOWED  
LEAVE to amend her Amended Complaint, thereto adding a party plaintiff, parties  
defendant and a Third Claim, and to file her Second Amended Complaint, instanter.

  
\_\_\_\_\_  
JUDGE X

SUBMITTED & APPROVED:

  
MICHAEL D. ROSSI (#0005591)  
CO-COUNSEL FOR PLAINTIFF

GUARNIERI AND SECREST, P.L.L.  
ATTORNEYS AT LAW  
151 E. MARKET STREET  
P.O. BOX 4270  
WARREN, OHIO 44482

DOCKETED

APR 22 2002

JAR

*Court of Common Pleas, Columbiana County, Lisbon, Ohio*

*Summons*

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**C. ASHLEY PIKE**  
**Judge**

CINDY GROVE et al  
27974 BUCK ROAD  
BEOLOT, OH 44609

Plaintiff(s)

VS.

*Summons on Amended Complaint*

CARRIAGE HILL FOODS et al  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

KAREN DUNN  
1600 HARMONT AVENUE, NE  
P.O. BOX 8440  
CANTON, OH 44711

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORENY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

Daphne Clerk

March 23, 2002

**Court of Common Pleas, Columbiana County, Lisbon, Ohio**

**Summons**

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**C. ASHLEY PIKE**  
Judge

CINDY GROVE et al  
27974 BUCK ROAD  
Beloit, OH 44609

Plaintiff(s)  
VS.

*Summons on Amended Complaint*

CARRIAGE HILL FOODS et al  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

RICK FOSTER  
C/O CARRIAGE HILL FOODS  
1735 S. LINCOLN AVENUE  
SALEM, OH 44460

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

*[Signature]*  
Deputy Clerk

March 25, 2002

Court of Common Pleas, Columbiana County, Lisbon, Ohio

*Summons*

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

C. ASHLEY PIKE  
Judge

CINDY GROVE et al  
27974 BUCK ROAD  
BELOIT, OH 44609

Plaintiff(s)

VS.

CARRIAGE HILL FOODS et al  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

DON PANCHO  
1157 W. HIGH AVENUE  
NEW PHILADELPHIA, OH 44663

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

Anthony J. Dattilio, Clerk of Courts  
105 South Market Street  
Lisbon, Ohio 44432

*[Signature]* *C. Pike*  
Deputy Clerk

March 25, 2002

Certified Article Number

7060 3901 9844 7130 7664

SENDERS RECORD

SCANNED

**Court of Common Pleas, Columbiana County, Lisbon, Ohio**

**Summons**

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**C. ASHLEY PIKE**  
**Judge**

CINDY GROVE et al  
27974 BUCK ROAD  
BELOIT, OH 44609

Plaintiff(s)

VS.

CARRIAGE HILL FOODS et al  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

VILMA SCHUSTER  
C/O CARRIAGE HILL FOODS  
1735 S. LINCOLN AVENUE  
SALEM, OH 44460

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

Deputy Clerk

March 25, 2002

Certified Article Number

7160 3901 9844 7130 7718

SENDERS RECORD

SCANNED

*Court of Common Pleas, Columbiana County, Lisbon, Ohio*

*Summons*

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

C. ASHLEY PIKE  
Judge

CINDY GROVE et al  
27974 BUCK ROAD  
BELOIT, OH 44609

Plaintiff(s)

VS.

*Summons on Amended Complaint*

CARRIAGE HILL FOODS et al  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

MARK SULLIVAN  
1600 HARMONT AVENUE, NE  
P.O. BOX 8440  
CANTON, OH 44711

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

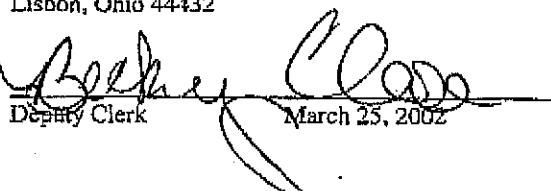
The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORENY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

P 7130 7201

  
Deputy Clerk March 25, 2002

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*Summons*

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**Court of Common Pleas, Columbiana County, Lisbon, Ohio**

**Summons**

Rule 4 1970, Ohio Rules of Civil Procedure

Case No.: 2001 CV 00867

**C. ASHLEY PIKE**  
**Judge**

**CINDY GROVE et al**  
27974 BUCK ROAD  
EEOLOIT, OH 44609

Plaintiff(s)

VS.

*Summons on Amended Complaint*

**CARRIAGE HILL FOODS et al**  
DBA SUGARDALE FOODS  
1600 HARMOUNT AVE NE  
PO BOX 8440  
CANTON, OH 44711

Defendant(s)

To the below named Defendant(s):

BRIAN WESS  
C/O CARRIAGE HILL FOODS  
1735 S. LINCOLN AVENUE  
SALEM, OH 44460

You are hereby summoned that a amended complaint (a copy of which is hereto attached and made a part hereof) has been filed against you in this Court by the Plaintiff(s) named herein.

You are required to serve upon the Plaintiff's Attorney, or upon the Plaintiff if no attorney of record, a copy of your answer to the complaint within 28 days after service of this summons upon you, exclusive of the day of service. Said answer must be filed with this Court within three (3) days after service on Plaintiff's Attorney.

The name and address of the Plaintiff's Attorney is as follows:

MICHAEL D. ROSSI (330)-393-1584  
ATTORNEY AT LAW  
151 EAST MARKET STREET  
P.O. BOX 4270  
WARREN, OH 44482

If you fail to appear and defend, judgment by default will be taken against you for the relief demanded in the amended complaint.

**Anthony J. Dattilio, Clerk of Courts**  
105 South Market Street  
Lisbon, Ohio 44432

Deputy Clerk

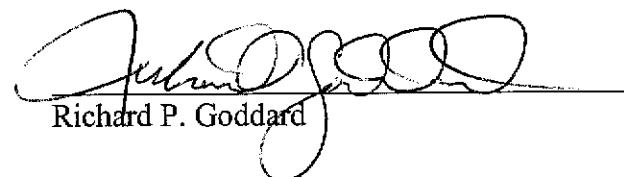
March 25, 2002

**CERTIFICATE OF SERVICE**

The foregoing Notice of Removal was served via U.S. Mail, postage prepaid,  
upon the following this 24<sup>th</sup> day of April, 2002:

Michael D. Rossi, Esq.  
Guarnieri & Secrest, P.L.L.  
151 East Market Street  
P.O. Box 4270  
Warren, OH 44482

George N. Kafantaris, Esq.  
720 N. Park  
Warren, Ohio 44483



Richard P. Goddard